

REMARKS

This Response is submitted in reply to the Non-Final Office Action dated February 17, 2011. Claims 3 to 6 are pending in the present application. Claims 3 and 5 are in independent form. Claims 3 to 6 are hereby amended. No new matter has been added by these amendments. For example, see ¶¶ 37-38. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing. If such a withdrawal is made, please indicate the Attorney Docket No. 3717483-00083 on the account statement. Applicants respectfully disagree and traverse the rejections, as set forth in detail below.

Initially, Applicant would like to thank the Examiner for the telephone interview of March 9, 2011, in which the objection, the claims, and the prior art were briefly discussed. The Examiner requested further explanation with respect to Applicant's response to the rejection under 35 USC §112, ¶2 regarding "a counter content" as claimed and described in the specification, which Applicant provides below. Also, as discussed, amendments are presented for the purpose of clarifying the claim language.

The Office Action objected to claim 3 due to a missing comma. The Examiner indicated that the objection was mistakenly included in the Office Action. Moreover, claim 3 has been amended for clarification purposes, and Applicant respectfully submits that this objection is moot and should be withdrawn.

The Office Action rejected claims 3 to 6 under 35 USC §112, ¶2 as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully disagrees and submits that the present clarifying amendments overcome the rejection. Specifically, the Office Action indicated

that the term “a counter content” of claims 3 and 5 and as discussed in the specification at ¶ 38 is unclear in light of statements made by Applicant in the Response to Office Action dated January 10, 2011. Office Action, page 2-3. Applicant respectfully submits that the control circuit 7 uses “a counter content,” which results from a counter function of the control circuit 7 that counts the signals detected by the light sensor. The modulated brightness level, which is detected by the at least one image sensor and is counted in the control circuit 7, may be a regular signal with a specific characteristic or a random pattern. *Specification*, ¶ 37. It should be appreciated that a specific characteristic may include, for example, a predefined brightness level or a synchronization pulse, and a random pattern may include, for example, image data or a random noise signal. See *Specification*, ¶ 24, 37. The control circuit 7 can determine if the detected signal includes a specific characteristic, and can count the occurrence of the specific characteristic to determine a counter content. See *Specification*, ¶ 37-38. The counter content is used to determine the position of the projection light bundle 6, and, if necessary, the control circuit 7 will adjust oscillation amplitude accordingly. See *Specification*, ¶¶ 37-39.

As presently recited in claim 3, the system includes “a control circuit to determine (i) a position of the oscillating mirror and (ii) a specific characteristic of the modulated brightness level using a counter.” In other words, the claimed control circuit determines when the detected modulated brightness level has a specific characteristic, and the control circuit 7 counts the occurrences of the detected signal with the specific characteristic. Accordingly, Applicants submit that claims 3 and 5 are not indefinite, and respectfully request that the rejection be withdrawn.

The Office Action rejected independent claims 3 and 5 under 35 U.S.C. §102(b) as being anticipated by Nakajima (U.S. Publication No. 2002/0122217), hereinafter *Nakajima*.

Independent claim 3 presently recites, inter alia, “a control circuit that uses a counter to determine (i) a position of the oscillating mirror and (ii) a specific characteristic of the modulated brightness level.” Similarly, claim 5 currently recites, inter alia, “determining an oscillation status of an oscillating mirror, a position of the oscillating mirror, and a specific characteristic of the modulated brightness level obtained from the light sensor using a control circuit that uses a counter.”

Nakajima fails to disclose, teach, or suggest using a counter as presently claimed. Rather, *Nakajima* “detects a light beam on both sides of the image recording region” and “measures a time difference between the detection signals on both sides of the image-recording region.” *Nakajima*, ¶ 145. Accordingly, the system of *Nakajima* uses the measured time difference to determine the width of the scan for correction if the time difference varies more than a certain amount. *Nakajima*, ¶¶ 145-148. On the other hand, claims 3 and 5 recite using a counter to determine the position of the oscillating mirror by counting signals detected at the image sensor(s). Counting the signals detected at an image sensor is different than measuring time between two signals detected at different image sensors as disclosed in *Nakajima*. As noted in the specification, and in contrast with the disclosure of *Nakajima*, only one light sensor (e.g., a single photoelement 3) is required for the system of the present application to operate. *Specification*, ¶ 33. Therefore, *Nakajima* fails to disclose, teach, or suggest at least “a control circuit that uses a counter to determine (i) a position of the oscillating mirror and

(ii) a specific characteristic of the modulated brightness level," as presently recited in independent claim 3, and similarly recited in independent claim 5.

For at least these reasons, independent claims 3 and 5 are patentably distinguished over *Nakajima* and are in condition for allowance. Claims 4 and 6 depend directly from claims 3 and 5 respectively and are allowable for at least the same reasons.

Accordingly, Applicant respectfully submits that all pending claims are in condition for allowance, and the rejection should be withdrawn. An earnest endeavor has been made to place this application in condition for formal allowance, and such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,
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